In the High Court for the States of Punjab and Haryana, at Chandigarh.

CM No.3365-CII of 2006 and
FAO No. 698 of 2007 (O&M)
Decided on February 19,2007

The Divisional Manager,N.R.New Delhi
and another --Applicants/appellants.

vs.

Santosh & Others --- Respondents.

Present: Mr. Puneet Jindal, Advocate,for the applicants/appellants

Pritam Pal,J:(Oral)

Heard on application moved under Section 5 of the Limitation Act, for condonation of delay of 206 days in filing the present appeal, against order dated May 18,2006, whereby the respondents/claimants Santosh, widow and her six children, were granted compensation under the Workmens' Compensation Act, 1923 (hereinafter referred to as 'the Act').

The only contention of learned counsel for the applicants/appellants is that the applicant Divisional Manager, Northern Railways, New Delhi, could not file the appeal in time because some formalities took time in depositing the amount of compensation before the learned Commissioner under the Act. Further, it was also argued that in fact, on the date of accident i.e. January 08,1996, deceased/workman was not on duty.

In fact, there is a mandatory provision under the Act for depositing the amount of compensation before filing the appeal. Thus, the applicant, who has got a large paraphernalia at his back should have known the provisions of the Act. Ignorance of law is no excuse. There is a

delay of 206 days in filing the present appeal for which no satisfactory explanation has been put-forth. Moreover, no evidence whatsoever was led on the file by the applicants/appellants to show that the workman who has since died was not on duty at the time of accident on January 08,1996.

Faced with this situation, I find no option, but to dismiss this application for condonation of such a long delay of 206 days in filing the present appeal, hence, order accordingly, consequently appeal bearing FAO No.698 of 2007, is also dismissed in limine.

February 19,2007 (Pritam Pal)
RR Judge